

UNITED STATES DISTRICT COURT**Northern District of California**

10 Center for Biological Diversity,

07-06406 MHP

11 Plaintiff(s),

**NOTICE RE: NONCOMPLIANCE
WITH COURT ORDER**

12 v.

13 Kempthorne,

14 Defendant(s).

16 The parties have failed to file an ADR Certification and either a Stipulation and
17 [Proposed] Order Selecting an ADR Process or a Notice of Need for ADR Phone
18 Conference as required by the Initial Case Management Scheduling Order. Counsel
19 shall Meet and Confer forthwith in an attempt to agree on an ADR process for this
20 matter. Thereafter, counsel, on behalf of themselves and each party, promptly shall file
21 an **ADR Certification** and either 1) a **Stipulation and [Proposed] Order Selecting**
22 **ADR Process**, or 2) a **Notice of Need for ADR Phone Conference** (Civil L.R. 16-8(b),
23 ADR L. R. 3-5(b) Civil L.R. 16-8(c), ADR L. R. 3-5(c), (d)). (These forms are available
24 at www.adr.cand.uscourts.gov.)

26 Further, in accordance with ADR L.R. 3-5(e) counsel shall concurrently provide a
27 copy of all documents filed pursuant to this notice directly to the ADR Unit either by fax
28 (415-522-4112), hand delivery (ADR Program, USDC, Northern District of California,

1 450 Golden Gate Avenue, 16th Floor, San Francisco, California), or by PDF attachment
2 to an e-mail directed to adr@cand.uscourts.gov.

3
4 It is the responsibility of counsel to schedule an ADR Phone Conference, if
5 required, to occur before the Case Management Conference.
6
7

8 Dated: March 5, 2008

9 RICHARD W. WIEKING
10 Clerk
by: Timothy J. Smagacz



12 ADR Administrative Assistant
13 415-522-4205
14 Tim_Smagacz@cand.uscourts.gov

PROOF OF SERVICE

Case Name: Center for Biological Diversity v. Kempthorne

Case Number: 07-06406 MHP

I declare that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California. I am over the age of eighteen (18) years and not a party to the action. My business address is:

ADR Program
United States District Court
Northern District of California
450 Golden Gate Avenue Floor 16
San Francisco, CA 94102

On March 5, 2008, I served a true and correct copy of:

Notice Re: Noncompliance With Court Order

[X] electronically, I caused said documents to be transmitted using ECF as specified by General Order No. 45 to the following parties:

Brendan R. Cummings
Center for Biological Diversity
P.O. Box 549
Joshua Tree, CA 92252
bcummings@biologicaldiversity.org

Miyoko Sakashita
Center for Biological Diversity
1095 Market Street
Suite 511
San Francisco, CA 94103
miyoko@biologicaldiversity.org

Andrew E. Wetzler
Natural Resources Defense Council, Inc.
111 Sutter Street
20th Floor
San Francisco, CA 94104

Andrea A. Treece
Center for Biological Diversity

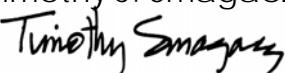
1095 Market Street
Suite 511
San Francisco, CA 94103
atreece@biologicaldiversity.org

Rickey Doyle Turner Jr.
U.S. Department of Justice
Wildlife & Marine Resources Section
Ben Franklin Station
P.O. Box 7369
Washington, DC 20044
rickey.turner@usdoj.gov

[] by Facsimile, I caused said documents to be transmitted to the following parties by fax machine:

[] by U. S. Mail, I placed a true copy in a sealed envelope with postage fully prepaid in the United States Post Office Mail Box in San Francisco, California, addressed as follows:

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on March 5, 2008 in San Francisco, California.

RICHARD W. WIEKING
Clerk
by: Timothy J. Smagacz


ADR Administrative Assistant
415-522-4205
Tim_Smagacz@cand.uscourts.gov